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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8974

UNITED STATES OF AMERICA Plaintiff, v. Christian Maria RODRIGUEZ (1) Adan MAGANA, Jr. (2) Margarita HEREDIA-Vargas (3) Martin Morales LOZANO-Vargas (4) Jesus TRAPERO-Zazueta (5) Defendants.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF: 21 U.S.C. § 841(a)(1) Possession with Intent to Distribute (Felony) 18 U.S.C. § 2 - Aiding & Abetting

The undersigned complainant being duly sworn states:

That on or about December 8, 2007, within the Southern District of California, defendants Christian Maria RODRIGUEZ, Adan MAGANA, Jr., Margarita HEREDIA-Vargas, Martin Morales LOZANO-Vargas, and Jesus TRAPERO-Zazueta, did knowingly and intentionally possess, with intent to distribute approximately 383.08 kilograms (842.4 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Craig Moore, Task Force Officer
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10TH DAY OF DECEMBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, DEA Task Force Officer (TFO) Craig Moore, declare under penalty of perjury, the following statement is true and correct:

On or about December 8, 2007, undercover Special Agents from the U.S. Department of the Interior, Bureau of Land Management (BLM), United States Department of Justice, Drug Enforcement Administration (DEA), and United States Department of Justice, Federal Bureau of Investigation (FBI) were conducting covert surveillance of the Midway campground area, within the Imperial Sand Dunes Recreation Area approximately .9 miles north of the international boundary with Mexico. This area is located on public lands in Western Imperial County, within the Southern District of California. While conducting surveillance of the area, the occupants of one particular campsite caught the attention of agents. The occupants of the campsite were acting suspiciously and riding All Terrain Vehicles (ATV's) in the dark, without headlamps.

At approximately 2020 hrs, while watching the campsite, undercover agents observed an individual later identified as Jesus TRAPERO-ZAZUETA extinguish the campfire while an individual later identified as Martin Morales LOZANO-VARGAS departed the area on an All Terrain Vehicle (ATV), with his lights out. At approximately 2030 hrs, LOZANO-VARGAS returned to the camp without his headlights on. Agents then observed several ATV's, traveling without their headlamps on during hours of darkness. Upon watching the ATV's with the use of night vision scopes, agents observed several bundles attached to the back of the ATV's. The bundles on the ATV's were all very large and this coupled with the fact that they were all driving with their lights out within close proximity the U.S./Mexico border appeared to be consistent with drug smuggling activity. Agents continued to observe the ATV's as they entered the campsite. Upon arrival, the riders of the ATV's began to off load the bundles onto a flat bed trailer, at the direction of LOZANO-VARGAS. After the bundles were off loaded onto the trailer, the ATV's departed the campsite with their headlights on. Agents then observed Jesus TRAPERO-ZAZUETA, Martin Morales LOZANO-VARGAS and an individual later identified as Christian Maria RODRIGUEZ remove the bundles from the flatbed trailer and walk around a corner, out of sight towards a 2007 "Cruise America" rental motorhome (CA Reg# 5UVF195), which was attached to the flatbed trailer. While this was occurring, and individual later identified as Adan MAGANA Jr. was observed by agents sitting in a chair within the campsite and appeared to be acting as a lookout. MAGANA would both watch the loading and unloading of the bundles and would look around towards nearby camps. Once the bundles were removed from the trailer, Jesus TRAPERO-ZAZUETA would return to the campfire and start it again. This activity occurred two additional times, for a total of three times, within a two hour period. Due to my training and experience in the workings of controlled substance traffickers, I believed that I had witnessed narcotic smuggling activity taking place.

At approximately 2350 hrs, Special Agents from the BLM, DEA, FBI, and ICE with assistance from the California Highway Patrol and Imperial County Sheriff's Department knocked on the door of the 2007 "Cruise America" rental motorhome and made contact with Christian Maria RODRIGUEZ. RODRIGUEZ exited the motorhome at the request of officers and stated that there were more people inside. Officers then made a second call out on the motorhome and Jesus TRAPERO-ZAZUETA exited, followed by Martin Morales LOZANO-VARGAS. Officers then made another call out and Adan MAGANA Jr, emerged from within the motorhome. Upon making another call out Margarita Heredia Vargas emerged from within the motorhome. All five individuals were detained and additional call outs were made on the motorhome, but nobody responded. Fearing additional people were hiding inside of the motorhome, BLM and ICE agents conducted a protective sweep of the motorhome. Upon entering the motorhome, Agents detected the very strong odor of a masking agent and marijuana. Through my training and experience in narcotic smuggling investigations, I know that masking agents are routinely utilized by individuals to conceal the odor of illegal narcotics. Upon walking down the hallway towards the back bedroom, agents observed in plain view, several bundles in the shower area. Upon clearing the bedroom area at the rear of the motorhome, agents observed several additional bundles in plain view. These bundles were approximately 2 feet long by 1 ½ feet wide and approximately 10" deep. The bundles were painted black and were wrapped in cellophane plastic and aluminum foil. Through my training and experience in narcotic smuggling investigations, I immediately recognized the packaging of these bundles to be consistent with the trappings of a controlled substance smuggling operation. I then exited the motorhome and walked over to Christian Maria RODRIGUEZ, who spontaneously stated that her mother rented the motorhome for her to use and wanted to know what "was going on". Further investigation on scene revealed that the "Cruise America" motorhome was rented to Margarita Heredia Vargas on December 7, 2007 in Indio, CA.

A search of the vehicle revealed 47 individual bundles containing approximately 382.08 kilograms (842.4 pounds) of suspected marijuana. A presumptive chemical test indicated the contents of these packages to be marijuana. Jesus TRAPERO-ZAZUETA, Martin Morales LOZANO-VARGAS, Adan MAGANA Jr., Christian Maria RODRIGUEZ, and Margarita Heredia VARGAS were further processed on scene and transferred to the Imperial County Jail in El Centro, California, pending an Initial Appearance before a United States Magistrate Judge.

Executed on December 9, 2007 at 1415 hours.

Craig [illegible], Task Force Officer
Drug Enforcement Administration

On the basis of the facts presented in this probable cause statement consisting of ~~(1)~~ 4 pages, I find probable cause to believe that the defendant(5) named in this probable cause statement committed the offense on December 8, 2007 in violation of Title 21 United States Code, [illegible] 841 (a)(1).

Barbara L. Major 12/9/07 at 5:54PM

United States Magistrate Judge Date/Time